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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/570,917	02/12/2007	Jens Heinemann	HEINEMANN-8	3829
20151 7590 06/10/2011 HENRY M FEIEREISEN, LLC HENRY M FEIEREISEN 708 THIRD AVENUE SUITE 1501 NEW YORK, NY 10017			EXAMINER YIP, KENT	
			ART UNIT 2625	PAPER NUMBER
			NOTIFICATION DATE 06/10/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

INFO@FEIEREISENLLC.COM

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

10/570,917

Applicant(s)

HEINEMANN ET AL.

Examiner

KENT YIP

Art Unit

2625

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 23 May 2011 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 27-51.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See continuation sheet.  
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

/Sudhanshu C Pathak/  
Supervisory Patent Examiner, Art Unit 2625

Regarding step c of claim 27, Applicant argues that Examiner has not provided any reference from Morgan for teaching the second part of step c. Since the step recites "...or from one or more motifs supplied by the user", only the first part of the claim is required to be taught by Morgan in order to teach the limitation.

Regarding the references Morgan and Manross et al., both teach similar devices directed to an imaging station wherein a user can capture a picture and create a document with the picture for a fee. Morgan teaches both printing and electronically transferring the document (p0111) while Manross et al. teaches photo booths that print the document are prior art (col 1 lines 14-22). Both Morgan and Manross et al. are in the same field of endeavor and provide a similar service.

Regarding the references Morgan and Nihei, both teach similar devices directed to an imaging station wherein a user can capture a picture and create a document with the picture for a fee. Morgan teaches capturing an image and printing out the document (Fig. 4) while Nihei also teaches capturing an image (col 5 lines 8-10 Fig. 6 60) and printing out the document (Fig. 5 53). The preliminary payment of \$1 is only required if an "additional drive" is needed (Fig. 4 41-43 and Fig. 8 71-75). If only choosing the photograph (Fig. 6 60) option, a fee is only required after the product is inspected (Fig. 5 46-52). Both Morgan and Nihei are in the same field of endeavor and provide a similar service.

Regarding claim 39, Morgan teaches the kiosk can transfer images to a central location (external storage media) via electronic broadcast (p0111). Morgan further teaches post cards can be used in the kiosk. The claim doesn't recite providing a postcard that is printed on two sides. Morgan further teaches a camera coupled to the device and the camera may be integrated into the kiosk itself so that pictures can be taken (p0018 Fig. 1 and p0024).

Regarding claim 39, Morgan teaches the kiosk can interface with various storage media such as a hard drive (p0097), remote memory unit (p0109), or central location for image storage (p0111).

Morgan, Manross et al., Nihei, and Jones all teach similar devices directed to imaging stations for image capturing and manipulation in a public terminal. The references are in the same field of endeavor and are combinable based on the arguments above and the last Office Action.